

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
February 16, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 16, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:15 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (absent).

Approval of the January 19, 2016 Meeting Minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the minutes of the January 19, 2016 meeting minutes. All voted in favor.

Resolution #16-06 to approve the February 2016 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #16-06 to approve the February 2016 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Meetings - Ms. Stuckey made an announcement that the pilots must check with her before attending a meeting that they have not been invited to. Ms. Stuckey appreciates everyone's willingness to work with her, but would like everyone to be mindful and respectful of the time and effort in planning the meetings and invitation list.
- B. Hudson River update - Since the Commission's last meeting Ms. Stuckey has not received any reports of any Hudson River transport jobs. Captain Tribus is at the meeting for

his annual appearance and can update the Commission on any jobs he has completed.

- C. Bayonne Bridge Update - Ms. Stuckey advised the Commissioners that as a follow-up to the meeting with the contractors, the pilots are documenting and reporting any issues.

Captain Davis reported an issue of a loose wiring hanging from the bridge and took a picture. The picture was put on the large screen, so the Commissioners could see where the wire was hanging.

Ms. Stuckey also announced that Beth Rooney, Manager, Port Security, is here from the Port Authority to address any questions or concerns the Commissioners may have. Ms. Rooney will also provide an update on the Council on Port Performance.

- D. Meeting with the Coast Guard - Ms. Stuckey went with a delegation of pilots and the New York Executive Director, Frank Keane, to meet with the Coast Guard's investigation team to go over the issue with Bayonne Bridge and to discuss the information sharing relationship. Together they went over the Almaviva incident which was the vessel that hit the netting under the bridge and initiated the conversation. Everyone watched a video of the incident which allowed the pilots to explain to the Coast Guard how vessels transport under the bridge.

Ms. Stuckey and the pilots were also able to meet all the new investigators and establish reporting procedures as well as a mutual understanding for any future incidents. It was also suggested that the new investigations team go out on ship rides with the pilots to view how they work firsthand. The Presidents of the associations agreed to arrange ship rides.

Ms. Stuckey reported that the head of investigations, Donna Leoce will retire as of March 1, 2016. Ms. Stuckey and Mr. Keane will meet with her replacement in the future to ensure the relationship continues.

Captain Schoenlank and Captain Flannery echoed the sentiment that the meeting was very productive.

E. Harbor Ops - Captain Mike Day reported that he met with the Port Authority and as discussed a reporting mechanism has been put in place for the pilots to report any issues they notice with the Bayonne Bridge. Ms. Stuckey also mentioned that Captain Day reported a navigational clearance date of March 2018 which is different than the date that was discussed at the meeting with the contractors. Ms. Stuckey asked Ms. Rooney to clarify the difference in dates during her presentation.

All permits have been approved for the America's Race Cup. It is scheduled to take place the weekend of May 6, 2016. There will be three hour closures each day of the race, but it should not have much of an impact on commercial traffic.

The Harbor Ops Education Sub-Committee is looking to host a Captains and Paddlers Day sometime in April. The purpose of the day is to educate recreational boaters about the dangers of impeding commercial traffic. The project is still in the planning stages and the Committee is soliciting volunteers to help plan the event. A copy of the initial proposal was provided to the Commissioners.

Captain Day reported that Buoy #14 was moved on January 21, 2016 and apologized for the delay.

He also reported that there will be a big turnover at the Coast Guard this year and his staff will be about 90% new. He is planning to hold an open house at Fort Wadsworth sometime in July to give the community the opportunity to meet his new staff. Ms. Stuckey plans to attend and hopes the Commissioners will be available to attend as well.

Ms. Stuckey gave the following dredging updates: The water siphons will be abandoned by March 5, 2016, and the 50 foot channel should be completed by late March or early April. The maintenance dredging on the Port Jersey shoals are scheduled to begin sometime in February. The Army Corp received a request from the Port Authority to evaluate and investigate further channel improvements. Maintenance dredging has been completed in the following areas: Pierhead Channel at Newark Bay, 35-45 foot channel at Howland Hook, and a portion of the Flushing Bay Creek and the Sandy Hook Channel.

Ms. Stuckey reported that this year's Fleet Week will be larger than it has been in the past. The Coast Guard is anticipating participation from 9-10 vessels.

The final permit for the Carteret Marina is different from the initial proposal. They have been approved for only two hundred slips. In addition, each tenant will have to undergo an annual safety class at their own expense. There are also plans to install a safety light which would prohibit tenants from leaving the channel until the green light shows that the channel is clear of commercial traffic.

F. Docking Pilot Test Consultant - The Commissioners were provided with a copy of the completed contract. Ms. Stuckey thanked DAG Kahler for working with her on it. She will meet with the consultant on February 26, 2016 to go over the contract and execute it. Immediately following that meeting the Committee will review the first drafts of the test and provide feedback. Ms. Stuckey is looking to have the project completed by May 1, 2016.

G. Governor's Budget Book - Ms. Stuckey provided the Commissioners with a copy of the updated budget page for the Governor's Budget Book. Ms. Stuckey noted a couple of changes that were made from last year's page: Commissioner Stapleton's retirement and the appointment of Commissioner Shisha. The Commission is operating with four out of the six authorized Commissioners. The FY15 Surplus is a different amount than recorded in the FY15 audit because the account we have with the state does not show the amount on hand in the Commission's discretionary account.

H. Public Notice - The Commissioners were provided with a copy of a public notice from the Army Corps. Sterling Equipment has submitted an application for a permit to moor a maximum of seven barges within the anchorage in Newark Bay. Ms. Stuckey has not had the opportunity to discuss the proposal with the pilots. Once she has gotten their feedback she will update the Commissioners on whether a response is necessary.

I. APA Convention - Ms. Stuckey informed the Commission that the New York Commission President James Mercante and the Executive Director Frank Keane are planning to attend the APA Convention in October this year and asked that she join them. The convention will take place in Hawaii. A copy of

the Convention's draft agenda was provided in the Commissioner's folder. The pilot presidents do not have any objections with the Commission's attendance, however only the general sessions can be attended.

- J. Admiral Richard E. Bennis Awards for Excellence in Maritime Security - Ms. Stuckey announced that the Coast Guard created three awards in honor of Admiral Richard E. Bennis. He was the Captain of the Port during the September 11th attacks and the awards were established in honor of his memory and the outstanding job he did during that time. The award categories are: Port Authority of the Year; Company of the Year; and Facility of the Year. The Coast Guard is currently seeking nominations. A copy of the Commandants' instructions was included in the Commissioners' folders. Ms. Stuckey would like the Commissioners to review the instructions so the Commission can discuss whether they should make a nomination.
- K. Coast Guard AIS Rule - The deadline date for compliance to the Coast Guards AIS rule is March 2, 2016. The rule requires that most commercial boats operating in the US install and operate a USCG certified transceiver. Ms. Stuckey included a publication in the Commissioner's folder which breaks down which types of vessels are required to comply with the rule.
- L. Mark Stanton Retirement - A copy of Mark Stanton's retirement notice was provided to the Commissioners. Mr. Stanton ran the office of Administrative Law and was instrumental in helping the Commission with many of the Commission's rule proposals. Ms. Stuckey is unable to attend his celebration but has sent a card of well wishes on behalf of the Commission.
- M. Book from Harbor Pilots - McAllister Towing recently celebrated their 150 anniversary. As part of the celebration they published a book about the company's history. Harbor pilots donated a copy to the Commission's library. Ms. Stuckey has read the book and stated it is a very interesting read. She encouraged anyone who would like to read it to contact her.
- N. Article re: Container volumes - The Commissioners were provided with a copy of three articles about increase cargo volumes in the port of NY/NJ and Savannah. One is from the Port Authority and two from American Shipper. Ms. Stuckey

mentioned they are all interesting reads, however it is important to keep in mind that although there are increased cargo volumes the larger vessels mean less traffic.

- O. Atlantic Star Maiden Voyage - Ms. Stuckey provided the Commissioners with an article from the Port Authority about the Maiden Voyage of the Atlantic Star. It arrived at the New Jersey Marine Terminals on January 16, 2016. It is the largest ro-ro/containership ever built. It is the first of five new ships from Atlantic Containers G4 fleet. The other four vessels are scheduled to arrive during the first half of 2016.
- P. Other items of interest - The Maritime Association Hall of Fame Dinner will take place on May 11, 2016. Ms. Stuckey plans to attend.

Ms. Stuckey also announced that Captain Edward Britton will be giving a lecture at the National Lighthouse Museum about the history of the Sandy Hook Pilots Association and the Port of New York and New Jersey on February 21, 2016. A copy of the event flyer was provided in the Commissioners folders.

Public Comment(s)

Comment from Captain Robert Flannery, Jr., President Metro Pilots Association:

Captain Flannery agreed with Ms. Stuckey that only invited pilots should attend scheduled meetings.

Captain Flannery reported that Captain Schoenlank represented the pilots at the meeting with the Army Corp to discuss their lack of funding to continue dredging in Newark Bay. The purpose of the meeting was to discuss options.

Captain Flannery announced that Metro Pilots held their annual elections. Captain Flannery is still the President, Captain Jonathan Miller is the Vice President, and Captain Douglas Mattsson is on the Executive Committee.

Captain Flannery also reported that since the Commission's January meeting, no Metro pilots have reported seeing anything hanging from the Bayonne Bridge.

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank reported that the Army Corp. has limited funds for the dredging of the Newark Bay. There is too much material to dredge to 40 feet. They have turned to the Pilots for some ideas. It's a 500-600 channel and next year it will only get wider. It is obviously a funding issue so they will continue to work with them to brainstorm some solutions.

Captain Schoenlank also reported the new siphon at the Upper Bay does not match up with the Brooklyn side. So a new connection is needed and will delay the project.

Since the Commission's January Meeting, Sandy Hook Pilots' Association has held their annual elections. Captain Schoenlank is the President, Captain John Oldmixon is the Vice President, Captain Paul Klein is the Treasurer, and Captain Brendan Foley is the Secretary.

Discussion with Port Authority Representative re: Bayonne Bridge and Council on Port Performance

Bethann Rooney gave a presentation on the initiatives of the Council on Port Performance. She also provided the Commission with an update on the Bayonne Bridge project. The project is 50% complete. Navigational clearance is expected November 2017. The projected date for total project completion is mid-2019; however maritime traffic will not be affected.

Ms. Stuckey asked if a timeline had been set for update meetings with the Contractors. Ms. Rooney reported that a quarterly project update newsletter has been decided on, but not a meeting. The Port Authority is committed to inspect the underside of the bridge and to have a better relationship and communication with everyone involved in this project.

Commissioner Dacey expressed his concerns regarding the impact a NJ Transit strike would have on Port traffic. He wanted to know if the Port Authority put together any contingency plans for the pending NJ Transit strike. Ms. Rooney reported that this is not the first time strikes have been brought to the table so she believes there is a plan in place.

Resolution #16-07 to reduce the Pilotage Fees

Ms. Stuckey reported that as directed she contacted Trenton to get the exact amount the Commission has on account with DOT. There is a surplus of about 228,000 from the previous years. After consultation with Commissioner Dacey the recommendation is to reduce the pilot fees from 1.5 percent to 1 percent.

Ms. Stuckey went over a breakdown of the current funds, expenses, and estimated receipts.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #16-07 to reduce the Pilotage fees. All voted in favor.

Training Grant Request from Sandy Hook

Ms. Stuckey reported that Commander Olthius submitted a training grant. Sandy Hook thanked the Commission for funding the apprentice training in 2012, 2013, and 2015. They are currently up to date with apprentice training. In lieu of the apprentice training grant, they are requesting the Commission to provide a grant to send two New Jersey pilots to attend a manned model training session.

Ms. Stuckey advised that the funds for pilot training have been allocated in the FY16 budget and recommend that the Commission approve their request.

Resolution #16-08 to approve the appointment of the new apprentice Scott Britton

Ms. Stuckey reported that the Sandy Hook Pilots' Association has expressed a need to call an apprentice into duty. Scott Britton will be appointed to the Maritime Pilot Apprentice Training Program effective April 1, 2016. Apprentice Britton will attend the Commission's March meeting.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #16-08 to approve the appointment of Apprentice Scott Britton. All voted in favor.

Committee Report

A. Apprentice Selection Committee:

- I. Ms. Stuckey reported than an ad was placed on the Commission's website and in Professional Mariners magazine's March 2015 issue. So far there have been 67 requests for applications. Captain Schoenlank reported that the number has risen to 80. The Committee will meet soon to go over the process and select applicants to meet with Susan Turburszy.

B. Investigation Committee:

Ms. Stuckey pointed out that all the occurrences are up to date and she is striving to get the reports completed within a month from the date it occurs. Commissioner Dacey recommended that she send the power loss cases to the investigators to keep them involved.

Ms. Stuckey agreed and informed the Commission that she will also continue to hold her quarterly staff meetings. Commissioner McEwing stated that the Commission appreciates the work Ms. Stuckey does and by delegating the reports to the investigators this would give her more time to focus on her other work.

- I. **Marivia** - December 15, 2015. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- II. **CMA CGM Almaviva** - December 16, 2015. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- III. **Marivia** - January 6, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilots, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- IV. **Chem Norma** - January 6, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- V. **Keathe C. Rickmers** - January 20, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilots, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

- VI. **Hanjin Baltimore** - February 1, 2016. This incident is still under investigation.
- VII. **Northern Grace** - December 15, 2015. This incident is still under investigation.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 11:30 AM.

Return to Public Session

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:09 PM.

Adjournment

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:10 PM.